

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SOUTHPORT LANE EQUITY II, LLC,  
*et al.*,

Plaintiff,

vs.

RON DOWNEY, *et al.*,

Defendants.

Case No.: 3:15-CV-00335-RCJ-VPC

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE PURSUANT TO FRCP 4(m)**

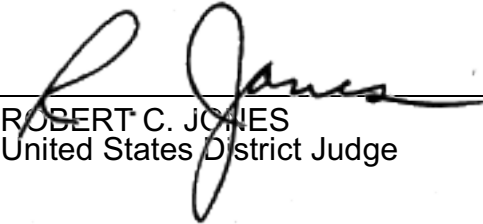
The Court filed the Notice of Intention to Dismiss Pursuant to FRCP 4(m) (#54) on January 15, 2016. Plaintiff was ordered to provide the court with proof of service as to the following parties: **DEREK ELLIS and DOMINIC DE LORENZO** on or before February 14, 2016. Plaintiff has not complied with the Notice (#54) within the allotted time.

“Before dismissing the action, the district court is required to weigh several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal.

Plaintiffs have failed to show good cause why this action should not be dismissed without prejudice for failure to file proof of proper service with this Court pursuant to FRCP 4(m) and failure to comply with the Notice of Intention to Dismiss (#54).

1 IT THEREFORE ORDERED that this action is DISMISSED without prejudice as to  
2 Defendant: **DEREK ELLIS and DOMINIC DE LORENZO** for Plaintiffs failure to comply with  
3 the Court's Notice of Intention to Dismiss pursuant to FRCP 4(m) (#54).

4 IT IS SO ORDERED this 16<sup>th</sup> day of February, 2016.

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9 ROBERT C. JONES  
10 United States District Judge  
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